

ENTERED

August 26, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

JAMIE MORENO and OLGA
MORENO,

Plaintiffs.

VS.

ALLISON MEDICAL, INC.,

Defendant.

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CIVIL ACTION NO. 3:20-cv-00300

ORDER ADOPTING MAGISTRATE JUDGE'S MEMORANDUM AND RECOMMENDATION

On September 9, 2021, all dispositive and non-dispositive pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(A) and (B). *See* Dkt. 36. Judge Edison filed a memorandum and recommendation on August 9, 2022, recommending that the court grant: (1) Defendant’s motion for summary judgment (Dkt. 45); and (2) deny as moot Defendant’s objections to Plaintiffs’ summary-judgment evidence (Dkt. 56). *See* Dkt. 62.

No objections have been filed to the memorandum and recommendation. Accordingly, the court reviews it for plain error on the face of the record. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).


Based on the pleadings, the record, and the applicable law, the court finds that there is no plain error apparent from the face of the record. Accordingly, it is therefore ordered that:

- (1) Judge Edison's memorandum and recommendation (Dkt. 62) is approved and adopted in its entirety as the holding of the court;
- (2) Defendant's motion for summary judgment (Dkt. 45) is granted;

- (3) Defendant's objections to Plaintiffs' summary-judgment evidence (Dkt. 56) are denied as moot; and
- (4) Plaintiffs' claims are dismissed with prejudice to refiling.

A final judgment will follow this order adopting Judge Edison's memorandum and recommendation.

SIGNED on Galveston Island this 26th day of August 2022.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE